

MEMORANDUM ENDORSED

December 19, 2019

VIA ECF

Hon. Gregory H. Woods
U.S. District Judge
U.S. District Court for the Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street, Courtroom 12C
New York, New York 10007

**Re: *Blackman v. Sony/ATV Music Publishing LLC et al.*,
Case No. 1:19-cv-7119-GHW**

Dear Judge Woods:

We represent defendant BMG Rights Management (US) LLC (“BMG”) in the above-referenced action. For the reasons set forth below, we respectfully submit this letter, pursuant to Paragraph 1.E. of Your Honor’s Individual Rules of Practice in Civil Cases, to request a brief adjournment, until January 31, 2020, of the initial pretrial conference (“IPTC”) in this action, which is currently scheduled for January 3, 2020.

Plaintiff Damon Blackman (“Blackman”) originally commenced this action in or about July 2019. However, Blackman did not name BMG as a defendant until filing his Amended Complaint on or about November 7, 2019. On December 5, 2019, Blackman filed an affidavit of service purporting to demonstrate that BMG had been served on November 26, 2019.¹ (Dkt. 34) Yet, because the process server did not serve an agent authorized to accept service, service was not effected on that date. BMG recently retained us as counsel.

After BMG retained us as counsel, we accepted and executed a request for waiver of service of summons pursuant to Rule 4(d) of the Federal Rules of Civil Procedure (the “Waiver”). Based on the timing of the Waiver, BMG’s deadline to answer, move, or otherwise respond to the Amended Complaint is February 10, 2020.

In light of the fact that we were only recently retained as counsel, BMG respectfully requests that the Court briefly adjourn the IPTC scheduled for January 3, 2020 (Dkt. 33) to January 31, 2020 to give us sufficient opportunity to evaluate this litigation and to meet and confer with Plaintiff’s counsel as required by Rule 26(f). Additionally, I will be on a previously-planned vacation outside of the United States during the week of and including on January 3, 2020.

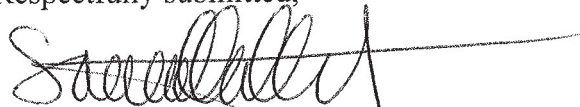
¹ As we understand it, to date, the other remaining named defendants, Wonder Boy Publishing LLC and Rasheed “Ralo” Harrison, have not been served.

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While we understand that there were prior adjournments of the IPTC before BMG was authorized to execute the Waiver, at least one of which was requested by Blackman, this is the first time BMG has requested an adjournment of the IPTC. Blackman consents to the requested adjournment. Moreover, as no Civil Case Management Plan and Scheduling Order has been entered in this action, the requested adjournment will not impact any other scheduled dates.

If the Court approves of this request, we respectfully request that it "So Order" this letter. We thank the Court for its consideration of this matter.

Respectfully submitted,




Samantha J. Katze

cc: All counsel of record (via ECF)

Application granted. The initial pretrial conference scheduled for January 3, 2020 is adjourned until February 7, 2020 at 4:30 p.m. The joint letter and proposed case management plan described in the Court's August 16, 2019 order, Dkt No. 4, are due no later than January 31, 2020.

SO ORDERED.

Dated: December 20, 2019
New York, New York


GREGORY H. WOODS
United States District Judge